

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH**

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**CRM-M-26478 of 2017 (O&M)
Date of Decision: 17.07.2019**

Baldev Raj and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Lath, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J (ORAL)

Section 82 of the Code of Criminal Procedure requires that the proclamation notice should be less than 30 days. The question which needs consideration is whether a defect in the proclamation notice which was published for less than 30 days can be cured by the Court by adjourning the date for a period beyond 30 days. This Court in CRM-M-42374 of 2017, decided on 02.07.2019 while relying upon the judgment passed by a Coordinate Bench in the case of Ashok Kumar Vs. State of Haryana and another, 2013(4) RCR (Criminal) 550 has already held that such procedure being followed by the Courts is erroneous.

In view thereof, the order dated 22.02.2016 (Annexure P-2) is set aside subject to the condition that the petitioners would appear before the trial Court within a period of 10 days and apply for bail which shall be considered by the Court in accordance with law.

Hence, the petition is disposed of.

**(ANIL KSHETARPAL)
JUDGE**

17.07.2019

D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No